IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 27914 of 2006(W)

PETITIONER:

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1. M.K.SADANANDAN, EXCISE GUARD,
   EXCISE RANGE OFFICE, THRISSUR.

2. P.A.HARIDAS, EXCISE GUARD,
   EXCISE RANGE OFFICE, VADAKKANCHERRY.

3. A.K.BALASUBRAMANIAN, EXCISE GUARD,
   EXCISE RANGE OFFICE, CHERPPU, THRISSUR.

BY ADV. SRI.ELVIN PETER P.J.
SRI.C.X.ANTONY BENEDICT

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY, TAXES DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
   THIRUVANANTHAPURAM.

3. THE ASSISTANT COMMISSIONER OF EXCISE,
   THRISSUR.

BY GOVT. PLEADER SHRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 27914 OF 2006

Dated this the 30th November, 2006.

JUDGMENT

The petitioners, three in number, are Excise Guards. They were first appointed as Police Constables. After the statutory period of training they were posted in the Armed Police Battalion. While so, they applied for appointment to the post of Excise Guards pursuant to notification issued by the Public Service Commission. The petitioners were selected by the Public Service Commission and they were appointed by the Excise Department as Excise Guards. While working as Excise Guards they raised a claim that for the purpose of granting time bound higher grade the service rendered by them in the Police Department also shall be reckoned since the pay scales of Excise Guards and Police Constables were identical.

2. The above request was not considered favourably on the ground that the nomenclature of the posts also shall be identical. The petitioners 1 to 3, feeling aggrieved, have filed Exts.P31, P32 and P33 representations respectively before the first respondent. Counsel for the petitioners submits that as per Ext.P34 G.O dated 15.9.2006 the claim made by the petitioners are allowable, and therefore, this Court may direct the first respondent to pass orders on the

representations taking into account Ext.P34 as well.

3. Having heard Govt. Pleader also, I am inclined to dispose of this writ petition issuing the following directions:-

i) The first respondent shall take up for consideration Exts.P31 to P33 and based on the service particulars furnished by the respective departments shall take appropriate decision in the light of Ext.P34 G.O as well.

ii) This shall be done within six weeks on the petitioners producing a copy of the judgment along with a copy of the writ petition.

Ordered accordingly.

K.K.DENESAN
Judge

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